

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES R. PRINCE,

Petitioner

v.

KENNETH D. KYLER, Superintendent,  
et al.,

Respondents

CIVIL ACTION NO. 1:CV-00-1181

(Judge Kane)

(Magistrate Judge Blewitt) ✓

**FILED  
SCRANTON**

APR 20 2001

## NOTICE OF ELECTION

\_\_\_\_\_  
 DEPUTY CLERK

I, James R. Prince, Petitioner in the above-captioned action, have read the Order of Court which accompanied this form notice. Pursuant to that order, I elect to proceed in this action as follows:

\_\_\_\_\_ I have not labeled my motion, petition or pleading as a petition under 28 U.S.C. § 2254. I choose to have the court rule on my motion, petition, or pleading as filed. I understand that the failure to bring the motion, petition or pleading under 28 U.S.C. § 2254 may be a basis for denial or dismissal of the motion, petition, or pleading.

\_\_\_\_\_ I have not labeled my motion, petition or pleading as a petition for writ of habeas corpus under 28 U.S.C. § 2254. I choose to have my motion, petition, or pleading recharacterized as a petition under 28 U.S.C. § 2254. I understand that by doing so I lose my ability to file a second or successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive petition.

\_\_\_\_\_ I have not labeled my motion, petition, or pleading as a petition under 28 U.S.C. § 2254. I choose to withdraw my petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a pleading.

X   I have labeled my petition as a petition under 28 U.S.C. § 2254. I choose to have the court rule on my petition as filed. I understand that I may be forever barred from presenting in federal court any claim not presented in this petition. I further understand that by doing so I lose my ability to file a second or successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive petition.

       I have labeled my petition as a 28 U.S.C. § 2254 petition. I choose to withdraw my petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a petition.

YOUR ELECTION ON THIS FORM, AS WELL AS THE FAILURE TO MAKE AN ELECTION, WILL BE BINDING ON YOU WITH REGARD TO YOUR LITIGATION IN FEDERAL COURT OF ANY CLAIM RELATED TO THE CUSTODY YOU HAVE CHALLENGED. READ CAREFULLY THE ORDER ACCOMPANYING THIS NOTICE OF ELECTION FORM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

April 17<sup>th</sup> 2001  
(Date)

James R. Prince  
(Signature of Petitioner)

James R. Prince  
#BD-1801  
SCI-Huntingdon  
1100 Pike Street  
Huntingdon, PA 16654-1112